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No. 258

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JAMES R. BROWNING, Clerk

IN THE

**Supreme Court of the United States**

October Term, 1959

INTERNATIONAL ASSOCIATION OF MACHINISTS, *et al.*,

*Appellants,*

—v.—

S. B. STREET, *et al.*,

*Appellees.*

ON APPEAL FROM THE SUPREME COURT OF GEORGIA

**OBJECTION OF INDIVIDUAL APPELLEES TO  
MOTIONS FOR LEAVE TO FILE BRIEFS  
AS AMICI CURIAE**

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MOTIONS FOR LEAVE TO FILE BRIEFS  
AS *AMICI CURIAE***

Appellees object to the motions of the Railway Labor Executives' Association (RLEA) and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) for leave to file briefs as *amici curiae* on the merits of this case.

Neither the RLEA nor the AFL-CIO has shown any interest in the case which cannot and will not be adequately represented by the appellants. Indeed, all of the appellant unions are members (and represent a substantial part of the total membership) of both organizations, and no rea-

son is suggested by either organization as to who could not or would not be fully presented by such organizations.

While RLEA and AFL-CIO now profess a view in this case, neither organization participated or participate in the Georgia Superior Court or Supreme Court proceedings.

Neither RLEA nor AFL-CIO has shown or "facts or questions of law that have not been, for believing that they will not adequately be by the parties . . ." as required by this Court's order to file a brief as *amicus curiae*. Their arguments, as set forth in their proposed briefs, are in substance with those of the appellants, vary in manner of expression.

As for facts, RLEA and AFL-CIO refer to in this case only in the most cursory fashion, and Court's attention to no evidence which is not discussed in the brief of appellants. AFL-CIO to present as "facts" its own argumentative various publications dealing with the history of labor and its participation in politics. Such publications are not a part of the record in this case. Such publications therefore are not "facts" in any legally significant sense, but, even if they were factual and a part of the record, AFL-CIO has failed to show (1) that they are different from the historical materials urged on by appellants; (2) that they could not have been as well by appellants; or (3) that they have any "relevancy to the disposition of the case" (Rule 29 involves, not the right of a union to participate but the claimed right of unions to force minority

on pain of losing their jobs, to associate themselves with and contribute financially to the propagation of political beliefs which they oppose.

For the foregoing reasons, appellees have withheld consent to the filing of briefs as *amici curiae* by the RLA and AFL-CIO, and respectfully submit that the Court should deny the motions of those organizations for leave to file such briefs.

Respectfully submitted,

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